

Remarks

Reconsideration and allowance of the subject patent application are respectfully requested.

The specification has been amended to correct minor informalities. Entry of these amendments to the specification is respectfully requested. A new abstract in a more traditional U.S. format is provided.

With respect to the discussion of priority on page 2 of the office action, Applicants note that no priority claim to JP 2000-263162 is being made.

Claims 1-11 have been amended to improve their form. These amendments were not made for reasons relating to patentability.

Claims 1-11 were rejected under 35 U.S.C. Section 102(e) as allegedly being anticipated by Nakano (U.S. Patent No. 6,704,027). Applicants do not admit that Nakano constitutes prior art to the claims of the subject patent application. In any event, Nakano does not disclose the claimed subject matter for the reasons set forth below.

Claim 1 is directed to an image display apparatus that includes first and second function processing systems. The first function processing system processes a first function which is continuously set into an on state and the second function processing system processes a second function which is selectively set into an on state. Nakano discloses a portable terminal in which e-mail text can be overlapped onto an image attached to the e-mail to thereby purportedly improve usability by making it possible to display the e-mail text and the attached image on one screen. In connection with the first and second functions of claim 1, page 2 of the office action alleges that the user of the Nakano system activates the e-mail mode to perform the function of display depending on the mode set or changed during operation; that the modes ("i.e. functions") of Nakano include image only, text only and text and image; and that the selection of the mode by user activation in Nakano has been interpreted to be on state for a function. However, the referenced portions of Nakano do not disclose first and second functions as claimed. In

particular, none of the nominal functions identified in the office action (*i.e.*, "image only", "text only" and "text and image") is properly characterized as being "continuously set into an on state" as set forth in claim 1. Applicants understand the "functions" of Nakano identified in the office action as being alternatives such that only one mode is active at any one time -- no mode is continuously active. *See, e.g.*, col. 6, lines 2-6 ("After activated, the mail display means 13 provides control of the display of either the e-mail text or the image, or both the e-mail text and the image data by overlapping the e-mail text upon the image data, depending on the display mode preset or changed during operation.") (emphasis added). Because Nakano at least fails to disclose a first function as claimed, Nakano cannot anticipate claim 1. *See, e.g., Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.")

The image display apparatus of claim 1 further calls for first writing means for writing image data relating to the first function to a first memory; second writing means for writing image data relating to the first function to a second memory; and third writing means for writing image data relating to the second function to the second memory. Display circuitry displays a composite image on a display on the basis of the image data stored in the first and second memories and enabling means selectively enables the second writing means or the third writing means depending on whether the second function is turned on or off. Nakano does not disclose or suggest the claimed enabling means for selectively enabling a second or third writing means to write certain image data to the second memory, much less that such enabling means be dependent on whether a particular function is on or off. For example, the nominal composite image of Nakano always includes the e-mail text and the image attached to the e-mail. Nakano does not disclose a composite image in which the use of one or the other of the e-mail text or the image in the composite is dependent on whether a certain function is on or off. For this additional and independent reason, Nakano cannot anticipate claim 1.

Claims 2-8 depend from claim 1 and, because of this dependency, cannot be anticipated by Nakano. In addition, these dependent claims specify numerous other features not disclosed (or even suggested) by Nakano.

For example, with respect to claim 2, there is no disclosure in Nakano that image data stored in a first memory comprise dots designated using a first number of bits and that image data stored in a second memory comprise dots designated using a second number of bits greater than the first number of bits. The portion of Nakano referenced in the office action as allegedly showing this feature (col. 8, lines 21-34) merely describes tailoring the display color to a user's liking and varying of display scale.

With respect to claim 3, there is no disclosure in Nakano of the first function being a phone function and the second function being a game function. In addition to being inconsistent with the Nakano features identified in the rejection of claim 1 as corresponding to the claimed functions, Applicants find no disclosure whatsoever in Nakano relating to games or a game function.

With respect to claim 4, Applicants find no disclosure in Nakano relating to the handling of incoming calls, much less that the tone of image data be modified when an incoming call is detected. The portion of Nakano referenced in the office action (*i.e.*, col. 11, lines 6-18) discloses correcting the contrast and/or brightness of an image, but this correction is not in any way linked to the detecting of an incoming call. In addition, col. 3, line 66 to col. 4, line 5 of Nakano does not disclose an incoming call as alleged in the office action.

With respect to claim 6, Nakano contains no disclosure of the first image data being one bit data and the second image data being multi-bit color image data. Column 5, lines 14-19 which are referenced in the office action as allegedly disclosing this subject matter of claim 6 refers to display data having a "display color" but there is no disclosure or suggestion of a composite image in which some of the display data is one bit data and other display data is multi-bit data.

Claim 9 is directed to a display control method executed by an image display apparatus provided with a first function which is continuously on and a second function which is selectively set into an on state. The method includes writing image data relating to the first function to a first memory; writing image data relating to the first function to a second memory when the second function is on an off state; writing image data relating to the second function to the second memory when the second function is on an on state; and displaying a composite

image based on the image data stored in the first and second memories. As explained above, Nakano does not disclose a method involving a first function which is continuously on and a second function that is selectively set into an on state. For this reason alone, Nakano cannot anticipate claim 9. In addition, Nakano provides no disclosure of writing image data to a second memory in dependence on whether the second function is in an on state or an off state, or of providing a composite image based on image data stored in such a second memory as a result of such writing. For this additional and independent reason, Nakano does not anticipate claim 9.

Claim 10 is directed to a display control program executed by an image display apparatus provided with a first function which is continuously on and a second function which is selectively set into an on state. The program includes writing image data relating to the first function to a first memory; writing image data relating to the first function to a second memory when the second function is on an off state; writing image data relating to the second function to the second memory when the second function is on an on state; and displaying a composite image based on the image data stored in the first and second memories. For reasons similar to those advanced with respect to claim 9, Nakano does not anticipate claim 10.

Claim 11 is directed to a storage medium storing a display control program executed by an image display apparatus provided with a first function which is continuously on and a second function which is selectively set into an on state. The program includes writing image data relating to the first function to a first memory; writing image data relating to the first function to a second memory when the second function is on an off state; writing image data relating to the second function to the second memory when the second function is on an on state; and displaying a composite image based on the image data stored in the first and second memories. For reasons similar to those advanced with respect to claim 9, Nakano does not anticipate claim 11.

New claims 12-44 have been added. The subject matter of these new claims is fully supported by the original disclosure and no new matter is added.

Claims 12 and 13 depend from claims 9 and 11, respectively, and are believed to be allowable at least by virtue of this dependency.

Claim 14 is directed to an image display apparatus comprising a display controller for generating a display that comprises a non-composite display portion based on contents of one or the other of first and second memories and a composite display portion based on a composite of contents of both the first and second memories. No such arrangement is disclosed or suggested by Nakano. Consequently, claim 14 and its dependent claims 15-25 are believed to be allowable over Nakano.

Claim 26 is directed to a hand-held image display apparatus comprising a display controller for generating a display comprising a non-composite display portion based on contents of one or the other of first and second memories and a composite display portion based on a composite of contents of both the first and second memories. No such arrangement is disclosed or suggested by Nakano. Consequently, claim 26 and its dependent claims 27-29 are believed to be allowable over Nakano.

Claim 30 is directed to an image display method comprising the displaying on a first portion of a display a non-composite image based on contents of one or the other of first and second memories, and the displaying on a second portion of the display a composite image based on a composite of contents of both the first and second memories. No such method is disclosed or suggested by Nakano. Consequently, claim 30 and its dependent claims 31 and 32 are believed to be allowable over Nakano.

Claim 33 is directed to an image display apparatus comprising processing circuitry for executing first and second functions, first and second memories, and a display. When the second function is in an off-state, binary image data and color image data for the first function are written to the first and second memories, respectively. When the second function is in an on-state, color image data for the second function is written to the second memory instead of the color image data for the first function. The display displays a composite image based on the binary image data stored in the first memory and the color image data stored in the second memory. No such image display apparatus involving, among other things, binary image data and color image data as claimed is disclosed or suggested by Nakano. Consequently, claim 33 and its dependent claims 34-39 are believed to be allowable over Nakano.

Claim 40 is directed to an image display method comprising storing binary image data relating to a first processing function in a first memory, selectively storing color image data relating either to the first processing function or to a second processing function in a second

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memory, and generating a display comprising a composite display portion based on a composite of contents of both the first and second memories. No such method involving, among other things, the storing of binary image data and color image data as claimed is disclosed or even remotely suggested by Nakano. Consequently, claim 40 or its dependent claims 41-44 are believed to be allowable over Nakano.

The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,

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